



Senate

General Assembly

File No. 513

February Session, 2016

Substitute Senate Bill No. 354

Senate, April 6, 2016

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MUSIC AND ART THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) As used in this section,
2 sections 2 to 5, inclusive, of this act and section 19a-14 of the general
3 statutes, as amended by this act:

4 (1) "Commissioner" means the Commissioner of Public Health;

5 (2) "Department" means the Department of Public Health;

6 (3) "Music therapy" means the clinical and evidence-based use of
7 music interventions to accomplish individualized goals for persons of
8 all ages and ability levels within a therapeutic relationship by a
9 credentialed professional who has completed the educational and
10 clinical training requirements established by the American Music
11 Therapy Association, or any successor of said association; and

12 (4) "Music therapist" means a person who has been licensed as a

13 music therapist pursuant to section 3 of this act or issued a temporary
14 permit pursuant to section 4 of this act.

15 Sec. 2. (NEW) (*Effective October 1, 2016*) (a) No person may practice
16 music therapy unless licensed pursuant to section 3 of this act or
17 issued a temporary permit pursuant to section 4 of this act.

18 (b) No person may use the title "music therapist" or "licensed music
19 therapist" or make use of any title, words, letters, abbreviations or
20 insignia that may reasonably be confused with licensure as a music
21 therapist unless such person is licensed pursuant to section 3 of this act
22 or has been issued a temporary permit pursuant to section 4 of this act.

23 (c) The provisions of this section shall not apply to a person who (1)
24 is licensed, certified or regulated under the laws of this state in another
25 profession or occupation, including, but not limited to, occupational
26 therapy, physical therapy, speech and language pathology, audiology
27 or counseling, or is supervised by such a licensed, certified or
28 regulated person, and performs music therapy that is incidental to the
29 practice of his or her licensed, certified or regulated profession or
30 occupation, provided such person does not hold himself or herself out
31 as a music therapist, (2) is a student enrolled in a music therapy
32 educational program or graduate music therapy educational program
33 approved by the American Music Therapy Association, or any
34 successor of said association, and music therapy is an integral part of
35 the student's course of study and such student is performing such
36 therapy under the direct supervision of a licensed music therapist, or
37 (3) is a professional whose training and national certification attests to
38 such person's ability to practice his or her certified occupation or
39 profession and whose performance of music therapy is incidental to
40 the practice of such occupation or profession, provided such person
41 does not hold himself or herself out as a music therapist.

42 Sec. 3. (NEW) (*Effective October 1, 2016*) (a) On and after October 1,
43 2016, the Commissioner of Public Health shall grant a license as a
44 music therapist to any applicant who, except as provided in
45 subsections (b) and (c) of this section, furnishes evidence satisfactory to

46 the commissioner that such applicant holds a current certification as a
47 music therapist from the Certification Board for Music Therapists, or
48 any successor of said board. The commissioner shall develop and
49 provide application forms. The application fee shall be three hundred
50 fifteen dollars.

51 (b) An applicant for licensure by endorsement shall present
52 evidence satisfactory to the commissioner that the applicant is licensed
53 or certified as a music therapist, or as a person entitled to perform
54 similar services under a different designation, in another state or
55 jurisdiction that has requirements for practicing in such capacity that
56 are substantially similar to, or higher than, those of this state and that
57 there are no disciplinary actions or unresolved complaints pending in
58 this state or any other state.

59 (c) Licenses issued under this section shall be renewed annually
60 pursuant to section 19a-88 of the general statutes. The fee for such
61 renewal shall be one hundred ninety dollars. Each licensed music
62 therapist applying for license renewal shall furnish evidence
63 satisfactory to the commissioner of having current certification with
64 the Certification Board for Music Therapists, or any successor of said
65 board, and having obtained continuing education units for certification
66 as required by said board.

67 Sec. 4. (NEW) (*Effective October 1, 2016*) The Department of Public
68 Health may issue a temporary permit to an applicant for licensure as a
69 music therapist who holds a bachelor's degree or higher in music
70 therapy or a related field. Such temporary permit shall authorize the
71 holder of the temporary permit to practice music therapy under the
72 general supervision of a licensed music therapist at all times during
73 which the holder of the temporary permit performs music therapy.
74 Such temporary permit shall be valid for a period not to exceed three
75 hundred sixty-five calendar days after the date of attaining such
76 bachelor's degree or higher and shall not be renewable. No temporary
77 permit shall be issued under this section to any applicant against
78 whom professional disciplinary action is pending or who is the subject

79 of an unresolved complaint in this state or any other state. The
80 commissioner may revoke a temporary permit for good cause, as
81 determined by the commissioner. The fee for a temporary permit shall
82 be fifty dollars.

83 Sec. 5. (NEW) (*Effective October 1, 2016*) The Commissioner of Public
84 Health may take any disciplinary action set forth in section 19a-17 of
85 the general statutes against a music therapist for any of the following
86 reasons: (1) Failure to conform to the accepted standards of the
87 profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or
88 seeking reinstatement of a license to practice music therapy; (4) fraud
89 or deceit in the practice of music therapy; (5) negligent, incompetent or
90 wrongful conduct in professional activities; (6) physical, mental or
91 emotional illness or disorder resulting in an inability to conform to the
92 accepted standards of the profession; (7) alcohol or substance abuse; or
93 (8) wilful falsification of entries in any hospital, patient or other record
94 pertaining to music therapy. The commissioner may order a license
95 holder to submit to a reasonable physical or mental examination if his
96 or her physical or mental capacity to practice safely is the subject of an
97 investigation. The commissioner may petition the superior court for
98 the judicial district of Hartford to enforce such order or any action
99 taken pursuant to section 19a-17 of the general statutes. The
100 commissioner shall give notice and an opportunity to be heard on any
101 contemplated action under section 19a-17 of the general statutes.

102 Sec. 6. (NEW) (*Effective October 1, 2016*) As used in this section,
103 sections 7 to 10, inclusive, of this act and section 19a-14 of the general
104 statutes, as amended by this act:

105 (1) "Commissioner" means the Commissioner of Public Health;

106 (2) "Department" means the Department of Public Health;

107 (3) "Art therapy" means clinical and evidence-based use of art,
108 including art media, the creative process and the resulting artwork, to
109 accomplish individualized goals within a therapeutic relationship by a
110 credentialed professional who has completed an art therapy program

111 approved by the American Art Therapy Association, or any successor
112 of said association; and

113 (4) "Art therapist" means a person who has been licensed as an art
114 therapist pursuant to section 8 of this act or issued a temporary permit
115 pursuant to section 9 of this act.

116 Sec. 7. (NEW) (*Effective October 1, 2016*) (a) No person may practice
117 art therapy unless licensed pursuant to section 8 of this act or issued a
118 temporary permit pursuant to section 9 of this act.

119 (b) No person may use the title "art therapist" or "licensed art
120 therapist" or make use of any title, words, letters, abbreviations or
121 insignia that may reasonably be confused with licensure as an art
122 therapist unless such person is licensed pursuant to section 8 of this act
123 or has been issued a temporary permit pursuant to section 9 of this act.

124 (c) The provisions of this section shall not apply to a person who (1)
125 provides art therapy while acting within the scope of practice of the
126 person's license and training, provided the person does not hold
127 himself or herself out to the public as an art therapist, or (2) is a
128 student enrolled in an art therapy educational program or graduate art
129 therapy educational program approved by the American Art Therapy
130 Association, or any successor of said association, and art therapy is an
131 integral part of the student's course of study and such student is
132 performing such therapy under the direct supervision of a licensed art
133 therapist.

134 Sec. 8. (NEW) (*Effective October 1, 2016*) (a) On and after October 1,
135 2016, the Commissioner of Public Health shall grant a license as an art
136 therapist to any applicant who, except as provided in subsections (b)
137 and (c) of this section, furnishes evidence satisfactory to the
138 commissioner that such applicant holds a current credential or
139 certification as an art therapist from the Art Therapy Credentials
140 Board, or any successor of said board. The commissioner shall develop
141 and provide application forms. The application fee shall be three
142 hundred fifteen dollars.

143 (b) An applicant for licensure by endorsement shall present
144 evidence satisfactory to the commissioner that the applicant is licensed
145 or certified as an art therapist, or as a person entitled to perform
146 similar services under a different designation, in another state or
147 jurisdiction that has requirements for practicing in such capacity that
148 are substantially similar to, or higher than, those of this state and that
149 there are no disciplinary actions or unresolved complaints pending in
150 this state or any other state.

151 (c) Licenses issued under this section shall be renewed annually
152 pursuant to section 19a-88 of the general statutes. The fee for such
153 renewal shall be one hundred ninety dollars. Each licensed art
154 therapist applying for license renewal shall furnish evidence
155 satisfactory to the commissioner of having current credential or
156 certification with the Art Therapy Credentials Board, or any successor
157 of said board, and having obtained continuing education units for such
158 credential or certification as required by said board.

159 Sec. 9. (NEW) (*Effective October 1, 2016*) The Department of Public
160 Health may issue a temporary permit to an applicant for licensure as
161 an art therapist who holds a bachelor's degree or higher in art therapy
162 or a related field. Such temporary permit shall authorize the holder of
163 the temporary permit to practice art therapy under the general
164 supervision of a licensed art therapist at all times during which the
165 holder of the temporary permit performs art therapy. Such temporary
166 permit shall be valid for a period not to exceed three hundred sixty-
167 five calendar days after the date of attaining such bachelor's degree or
168 higher and shall not be renewable. No temporary permit shall be
169 issued under this section to any applicant against whom professional
170 disciplinary action is pending or who is the subject of an unresolved
171 complaint in this state or any other state. The commissioner may
172 revoke a temporary permit for good cause, as determined by the
173 commissioner. The fee for a temporary permit shall be fifty dollars.

174 Sec. 10. (NEW) (*Effective October 1, 2016*) The Commissioner of
175 Public Health may take any disciplinary action set forth in section 19a-

176 17 of the general statutes against an art therapist for any of the
177 following reasons: (1) Failure to conform to the accepted standards of
178 the profession; (2) conviction of a felony; (3) fraud or deceit in
179 obtaining or seeking reinstatement of a license to practice art therapy;
180 (4) fraud or deceit in the practice of art therapy; (5) negligent,
181 incompetent or wrongful conduct in professional activities; (6)
182 physical, mental or emotional illness or disorder resulting in an
183 inability to conform to the accepted standards of the profession; (7)
184 alcohol or substance abuse; or (8) wilful falsification of entries in any
185 hospital, patient or other record pertaining to art therapy. The
186 commissioner may order a license holder to submit to a reasonable
187 physical or mental examination if his or her physical or mental
188 capacity to practice safely is the subject of an investigation. The
189 commissioner may petition the superior court for the judicial district of
190 Hartford to enforce such order or any action taken pursuant to section
191 19a-17 of the general statutes. The commissioner shall give notice and
192 an opportunity to be heard on any contemplated action under section
193 19a-17 of the general statutes.

194 Sec. 11. Subsection (c) of section 19a-14 of the 2016 supplement to
195 the general statutes is repealed and the following is substituted in lieu
196 thereof (*Effective October 1, 2016*):

197 (c) No board shall exist for the following professions that are
198 licensed or otherwise regulated by the Department of Public Health:

199 (1) Speech and language pathologist and audiologist;

200 (2) Hearing instrument specialist;

201 (3) Nursing home administrator;

202 (4) Sanitarian;

203 (5) Subsurface sewage system installer or cleaner;

204 (6) Marital and family therapist;

- 205 (7) Nurse-midwife;
- 206 (8) Licensed clinical social worker;
- 207 (9) Respiratory care practitioner;
- 208 (10) Asbestos contractor and asbestos consultant;
- 209 (11) Massage therapist;
- 210 (12) Registered nurse's aide;
- 211 (13) Radiographer;
- 212 (14) Dental hygienist;
- 213 (15) Dietitian-Nutritionist;
- 214 (16) Asbestos abatement worker;
- 215 (17) Asbestos abatement site supervisor;
- 216 (18) Licensed or certified alcohol and drug counselor;
- 217 (19) Professional counselor;
- 218 (20) Acupuncturist;
- 219 (21) Occupational therapist and occupational therapist assistant;
- 220 (22) Lead abatement contractor, lead consultant contractor, lead
221 consultant, lead abatement supervisor, lead abatement worker,
222 inspector and planner-project designer;
- 223 (23) Emergency medical technician, advanced emergency medical
224 technician, emergency medical responder and emergency medical
225 services instructor;
- 226 (24) Paramedic;
- 227 (25) Athletic trainer;

- 228 (26) Perfusionist;
- 229 (27) Master social worker subject to the provisions of section 20-
230 195v;
- 231 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 232 (29) Homeopathic physician;
- 233 (30) Certified water treatment plant operator, certified distribution
234 system operator, certified small water system operator, certified
235 backflow prevention device tester and certified cross connection
236 survey inspector, including certified limited operators, certified
237 conditional operators and certified operators in training;
- 238 (31) Tattoo technician; [and]
- 239 (32) Genetic counselor; [.]
- 240 (33) Music therapist; and
- 241 (34) Art therapist.

242 The department shall assume all powers and duties normally vested
243 with a board in administering regulatory jurisdiction over such
244 professions. The uniform provisions of this chapter and chapters 368v,
245 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
246 and 400c, including, but not limited to, standards for entry and
247 renewal; grounds for professional discipline; receiving and processing
248 complaints; and disciplinary sanctions, shall apply, except as otherwise
249 provided by law, to the professions listed in this subsection.

| | | |
|---|-----------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2016 | New section |
| Sec. 2 | October 1, 2016 | New section |
| Sec. 3 | October 1, 2016 | New section |
| Sec. 4 | October 1, 2016 | New section |
| Sec. 5 | October 1, 2016 | New section |

| | | |
|---------|------------------------|-------------|
| Sec. 6 | <i>October 1, 2016</i> | New section |
| Sec. 7 | <i>October 1, 2016</i> | New section |
| Sec. 8 | <i>October 1, 2016</i> | New section |
| Sec. 9 | <i>October 1, 2016</i> | New section |
| Sec. 10 | <i>October 1, 2016</i> | New section |
| Sec. 11 | <i>October 1, 2016</i> | 19a-14(c) |

Statement of Legislative Commissioners:

In Section 1(4), "under the provisions of sections 2 to 5, inclusive, of this act" was changed to "pursuant to section 3 of this act or issued a temporary permit pursuant to section 4 of this act" and in Section 6(4), "under the provisions of sections 7 to 10, inclusive, of this act" was changed to "pursuant to section 8 of this act or issued a temporary permit pursuant to section 9 of this act" for accuracy.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 17 \$ | FY 18 \$ |
|-------------------------------|--------------------------|---------------|---------------|
| Public Health, Dept. | GF - Cost | 11,080 | 14,850 |
| Resources of the General Fund | GF - Revenue Gain | 47,135 | 47,095 |
| NET IMPACT | GF - Revenue Gain | 36,055 | 32,245 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill is anticipated to result in a net General Fund revenue gain of approximately \$36,055 in FY 17, and \$32,245 in FY 18, from the establishment of two new Department of Public Health (DPH) licensure categories: music therapist and art therapist.

The approximate \$11,080 cost to DPH in FY 17 reflects expenditures for a processing technician contractor (\$9,180), equipment (computer, software, and scanner - \$1,700), and associated other expenses (printing, postage, and office supplies - \$200). General Fund (GF) revenue of approximately \$47,135 is also anticipated in FY 17 from initial licensure application fees at \$315 per application. Detail on the assumptions that underpin cost and revenue estimates is provided in the "Assumptions" section below.

ASSUMPTIONS

There are 86 board certified music therapists and 100 board certified art therapists in Connecticut. In FY 17, beginning on 10/1/2016, it is assumed that 80% (149) of these will seek licensure. The following fiscal year, it is anticipated that the remaining 37 individuals will apply for licensure, along with an additional 22 new applicants. Licenses

must be renewed annually for a fee of \$190. It is anticipated that there will be 149 licensure renewals in FY 18. In addition, four temporary licenses, which are not renewable and have a \$50 fee, are anticipated annually (\$200). It is assumed that initial and temporary licensure will require an average of two hours to process, and renewals will require one hour, on average. A processing technician contractor cost of approximately \$30 an hour is used for the purposes of this fiscal note.

A complaint investigation contractor cost of \$100 per hour is assumed. Complaints are not anticipated in the first fiscal year of partial implementation of the new licensure category. Using Marriage and Family Therapists (MFT) as a proxy, between 1983 and 2015, less than one MFT incurred a disciplinary action each year. Applying this average for the art and music therapist population, roughly one music or art therapist will incur a disciplinary action annually. It is assumed that there are three complaints for every one disciplinary action incurred. A contractor cost of \$5,400 in FY 18 is based on 18 hours, on an average, for complaint investigation and resolution.

Music Therapist and Art Therapist Licensure: Fiscal Impact Estimate

| Cost | | FY 17 \$ | | FY 18 \$ | |
|-----------------------------------|--------|----------|----------|----------|----------|
| Department of Public Health (DPH) | | | | | |
| Processing | | 9,180 | | 8,250 | |
| Complaint Investigations | | - | | 5,400 | |
| Computer and software | | 1,100 | | 1,100 | |
| Scanner | | 600 | | - | |
| Supplies, printing, and mail | | 200 | | 100 | |
| Estimated DPH Costs | | 11,080 | | 14,850 | |
| Fee Revenue | Fee \$ | FY 17 | | FY 18 | |
| | | # | Total \$ | # | Total \$ |
| Initial | 315 | 149 | 46,935 | 59 | 18,585 |
| Renewal | 190 | - | - | 149 | 28,310 |
| Temporary | 50 | 4 | 200 | 4 | 200 |
| Estimated Revenue | | 47,135 | | 47,095 | |
| NET STATE IMPACT | | 36,055 | | 32,245 | |

The Out Years**State Impact:**

| Agency Affected | Fund-Effect | FY 19 \$ | FY 20 \$ | FY 21 \$ |
|-------------------------------|--------------------------|---------------|---------------|---------------|
| Public Health, Dept. | GF - Cost | 13,566 | 14,239 | 14,912 |
| Resources of the General Fund | GF - Revenue Gain | 46,650 | 50,830 | 55,010 |
| NET IMPACT | GF - Revenue Gain | 33,084 | 36,591 | 40,098 |

Note: GF=General Fund

Municipal Impact: None

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of initial, renewal, and temporary art and music therapist licenses issued by the agency and associated costs (a 2% cost inflation is anticipated). In the out years, approximately 22 individuals are anticipated to seek initial licensure (\$6,930 annually from fees) and four individuals are anticipated to seek temporary licensure (\$200 annually from fees). Approximately 208 renewals are anticipated in FY 19 (\$39,520), 230 in FY 20 (\$43,700) and 252 in FY 21 (\$47,880).

.Sources: Art Therapy Credentials Board, Inc. online, available:
<http://www.atcb.org/Home/FindACredentialedArtTherapist>
 Certification Board for Music Therapists online, available:
http://www.cbmt.org/certificant_search

OLR Bill Analysis**sSB 354*****AN ACT CONCERNING MUSIC AND ART THERAPY.*****SUMMARY:**

This bill generally requires music therapists and art therapists to be licensed by the Department of Public Health (DPH). To receive either license, an applicant must be certified by a national organization or qualify for licensure by endorsement. The bill also provides for nonrenewable temporary permits authorizing the holder to work under a licensed person's supervision.

For both professions, the bill provides exemptions from the licensure requirement, such as for other licensed individuals providing music or art therapy under specified conditions.

The bill also sets forth the grounds for DPH disciplinary action against licensees and specifies that no new regulatory board is created for either type of license.

EFFECTIVE DATE: October 1, 2016

MUSIC THERAPIST AND ART THERAPIST LICENSURE**§§ 1 & 6 — Definitions**

The bill defines "music therapy" as the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship, by a credentialed professional who has completed the educational and clinical training requirements of the American Music Therapy Association or any successor association.

It defines "art therapy" as the clinical and evidence-based use of art, including art media, the creative process, and the resulting artwork, to

accomplish individualized goals within a therapeutic relationship, by a credentialed professional who has completed an art therapy program approved by the American Art Therapy Association or any successor association.

§§ 2 & 7 — *Licensure Requirement and Exemptions*

The bill generally prohibits anyone without a music therapist license or temporary permit from (1) practicing music therapy or (2) using the title “music therapist,” “licensed music therapist,” or any title, words, letters, abbreviations, or insignia that may reasonably be confused with such licensure. The same prohibitions apply regarding the practice of art therapy or the use of “art therapist,” “licensed art therapist,” or similar terms by someone without an art therapist license or temporary permit.

For music therapists, these restrictions do not apply to:

1. individuals (a) licensed, certified, or regulated under state law in another profession or occupation, including occupational or physical therapy, speech and language pathology, audiology, or counseling or (b) supervised by such a licensed, certified, or regulated individual, and who perform music therapy incidental to the practice of this other profession or occupation, as long as they do not hold themselves out as music therapists;
2. other professionals whose training and national certification demonstrate their ability to practice their certified occupation or profession, and whose performance of music therapy is incidental to this other practice, as long as they do not hold themselves out as music therapists; and
3. students enrolled in a music therapy or graduate music therapy educational program approved by the American Music Therapy Association or any successor association, in which music therapy is an integral part of the course of study, if performing such therapy under a licensed music therapist’s direct

supervision.

For art therapists, the bill's restrictions do not apply to:

1. individuals providing art therapy while acting within the scope of practice of their license and training, as long as they do not hold themselves out as art therapists and
2. students enrolled in an art therapy or graduate art therapy educational program approved by the American Art Therapy Association or any successor association, in which art therapy is an integral part of the course of study, if performing such therapy under a licensed art therapist's direct supervision.

§§ 3 & 8 — License Applications, Qualifications, and Renewals

The bill requires the DPH commissioner to issue a music therapist license to any applicant who submits, on a DPH form, satisfactory evidence that he or she is certified as a music therapist by the Certification Board for Music Therapists or any successor board. It similarly requires the commissioner to issue an art therapist license to any applicant who submits, on a DPH form, satisfactory evidence that he or she holds an art therapist credential or certification from the Art Therapy Credentials Board or any successor board.

The bill also allows for licensure by endorsement. Such an applicant must provide satisfactory evidence that he or she is licensed or certified as a music or art therapist, as applicable, or as someone entitled to perform similar services under a different title, in another state or jurisdiction. That jurisdiction's requirements for practicing must be substantially similar to or stricter than those in Connecticut, and there must be no pending disciplinary actions or unresolved complaints against the applicant in any state.

For each license, the initial application fee is \$315, and licenses must be renewed annually for \$190. To renew, licensees must provide satisfactory evidence of the following:

1. for music therapists, certification from the Certification Board for Music Therapists, or any successor board;
2. for art therapists, a credential or certification from the Art Therapy Credentials Board, or any successor board; and
3. for both types of licenses, completion of any continuing education the applicable board requires for such certification or credential.

§§ 4 & 9 — Temporary Permits

The bill allows DPH to issue nonrenewable temporary permits to licensure applicants with at least a bachelor's degree in music or art therapy, as applicable, or a related field. The permit allows the holder to practice under the general supervision of a licensee and is valid for up to 365 calendar days after the person receives his or her degree. The permit fee is \$50.

The bill prohibits DPH from issuing a temporary permit to someone against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in any state. It allows the commissioner to revoke a temporary permit for good cause, as he determines.

§§ 5 & 10 — Enforcement and Disciplinary Action

The bill allows the DPH commissioner to take disciplinary action against either type of licensee for:

1. failing to conform to the accepted standards of the profession;
2. a felony conviction;
3. fraud or deceit in obtaining or seeking reinstatement of a license or in the practice of music or art therapy, as applicable;
4. negligence, incompetence, or wrongful conduct in professional activities;

5. an inability to conform to professional standards because of a physical, mental, or emotional illness;
6. alcohol or substance abuse; or
7. willfully falsifying entries in any hospital, patient, or other record pertaining to music or art therapy, as applicable.

By law, disciplinary actions available to DPH include (1) revoking or suspending a license, (2) censuring the violator, (3) issuing a letter of reprimand, (4) placing the violator on probation, or (5) imposing a civil penalty (CGS § 19a-17). Under the bill, the commissioner may also order a licensee to undergo a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is under investigation.

The bill allows the commissioner to petition Hartford Superior Court to enforce such an examination order or any disciplinary action he takes. He must give the person notice and an opportunity to be heard before taking disciplinary action.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2016)